

## **French Language Court Services Policy**

A French Language Court Services Committee has been established with the following mandate:

**“Representatives from Saskatchewan Justice (Court Services and Prosecutions), Saskatchewan Legal Aid Commission, and the Office of French Language Co-ordination will work with Association des Juristes d’expressions Francaise de la Saskatchewan (AJEFS) to make improvements to the provision of French Language Services in the Courts in Saskatchewan, taking into consideration the AJEFS’ proposals in the March and November 2001 briefs submitted to the Minister of Justice. A written policy on French Language Court Services will be developed and presented to the Minister of Justice by August 31, 2002.”**

The issues that are addressed in this policy in regard to providing French Language Court Services are as follows:

- Range of matters in which French Language Court Services will be provided;
- Institutionalizing the capacity to provide French Language Court Services; and
- Ensuring a positive environment for the exercise of French Language Court Services.

A five-year agreement was signed in early 2000 between the Federal government and the Province of Saskatchewan, called the “General Agreement on the Promotion of Official Languages.” The purpose of this Agreement is to provide multi-year funding through a mechanism for co-operation between Canada and Saskatchewan to deliver quality services in French where appropriate and strengthen the vitality of the Francophone community. One of the stated objectives of this agreement is to ensure the French-Language capacity of the Courts is maintained and enhanced.

The Minister of Justice has stressed the importance of the Government of Saskatchewan developing a policy regarding the provision of Court Services in French. The development of this policy will enhance the commitment of the Government in regard to the French-Language capacity of the Courts.

### **Range of Service:**

French Language Court Services are currently provided for matters covered by Part XVII of the Criminal Code. French Language Court Services will be enhanced by accommodating the request for French Language trials for matters other than those covered by Part XVII of the Criminal Code. An attempt will be made, on a best effort basis, to accommodate all requests for French Language trials. This will include providing a French speaking judge, court clerk, legal aid lawyer and prosecutor and an interpreter for witnesses.

### **Institutionalizing the Capacity to Provide French Language Court Services:**

Court Services will designate a minimum of two clerk positions for the provision of French Language Court Services; Prosecutions will designate a minimum of two prosecutorial positions for the provision of French Language Court Services; Legal Aid will provide a minimum of two legal aid lawyers for the provision of French Language Court Services (this will be through full time Legal Aid resources, as well as farm-outs to the private defense Bar); and a minimum of two Provincial Court judicial positions will be designated for the provision of French Language Court Services. Given the projected demand for French Language Court Services is greater in Regina and Saskatoon, it is recognized that it would be desirable to locate these positions in Regina and Saskatoon where possible.

The Court Services clerk positions will also serve as French Language Co-ordinators who shall be responsible for answering queries in English or French regarding French Language Court Services and working with prosecutors, legal aid staff, defense counsel from the private bar and provincial court judges to co-ordinate requests for French Language trials.

By designating positions as French Language Court Services positions, when a vacancy occurs in one of these positions, a recruitment process will automatically take place for an incumbent who can provide French Language Court Services. The prospective applicant for any clerk of the Court, legal aid or prosecutorial position will be tested for linguistic abilities by an accredited linguistic institution, prior to a job offer for one of these designated positions. There is also a commitment to review the requirement for French Language Court Services on a regular basis, to determine if there continues to be a sufficient number of designated positions.

### **Positive Environment for French Language Court Services:**

*It is important that all those involved in the Court process understand their obligations in regard to providing French Language Court Services.*

The French Language Court Services policy is to be followed by all service providers in the Court system (Court staff, Legal Aid lawyers; and Prosecutorial staff). The judiciary are also being asked to adhere to the French Language Court Services policy. Improvements are being made to the existing environment of the Courts which includes distribution of this policy; improved signage in court facilities about French Language Court Services; brochures that are available in the Courts that provide information about French Language Court Services; a training program for court staff, legal aid lawyers, and prosecutorial staff; and enhanced French Language education for the judiciary. An inventory of resources for French Language Court Services will be available in all Court facilities, legal aid offices, and prosecutorial offices.

Representatives from Saskatchewan Justice, Saskatchewan Legal Aid Commission, and the Office of French Language Co-ordination will work with AJEFS on the development of these enhancements to the environment for French Language Court Services and consider the issue of administrative supports required for the bilingual positions.

Saskatchewan Justice, Saskatchewan Legal Aid Commission, and the Office of French Language Co-ordination will request funding through the annual budgetary process that will be required to implement the positive environment enhancements.

**Policy Review:**

The policy on French Language Court Services will be reviewed with AJEFS in one year.